

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON R. SULLIVAN,

Plaintiff,

v.

WILLIAM AURICH et al.,

Defendant.

Case No. C21-5433-TSZ-SKV

ORDER GRANTING DEFENDANTS'
MOTION TO STRIKE NOTING DATE
AND STAY CONSIDERATION OF
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT

This is a 42 U.S.C. § 1983 prisoner civil rights action. This matter comes before the Court on Defendants' Motion to Strike Noting Date and Stay Consideration of Plaintiff's Motion for Partial Summary Judgment, Dkt. 58.

On August 27, 2021, Defendants William Aurich and Eric Nelson filed a Motion for Judgment on the Pleadings, arguing Plaintiff has failed to state a plausible claim for relief against them. *See* Dkt. 27. Defendants' Motion noted on September 24, 2021, and is still pending before the Court. On October 4, 2021, Plaintiff filed a Motion for Partial Summary Judgment against Defendants Aurich and Nelson. *See* Dkt. 46. On October 7, 2021, Defendants Aurich and Nelson filed the present Motion asking the Court to strike the noting date for Plaintiff's Motion for Partial Summary Judgment and stay consideration of the same until after the Court

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FOR PARTIAL SUMMARY JUDGMENT - 1

1 has ruled on Defendants' Motion for Judgment on the Pleadings. *See* Dkt. 58. Defendants argue
2 it would be a "waste of time and resources for the parties to brief Plaintiff's Motion for Partial
3 Summary Judgment if Plaintiff has failed to even state a claim in his Complaint that is plausible
4 on its face." *Id.* at 1–2. Plaintiff filed no opposition to Defendants' Motion.

5 As such, the Court hereby ORDERS as follows:

6 Defendants' Motion to Strike Noting Date and Stay Consideration of Plaintiff's Motion
7 for Partial Summary Judgment, Dkt. 58, is GRANTED. The Clerk is directed to strike the noting
8 date for Plaintiff's Motion for Partial Summary Judgment, Dkt. 46. The Court will renote
9 Plaintiff's Motion as appropriate following its ruling on Defendants' Motion for Judgment on the
10 Pleadings, Dkt. 27. The Clerk is also directed to send copies of this Order to the parties and to
11 the Honorable Thomas S. Zilly.

12 Dated this 19th day of October, 2021.

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16 S. KATE VAUGHAN
17 United States Magistrate Judge
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